

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISA GARVEY, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

KMART CORPORATION, and  
DOES 1–50, inclusive,

Defendants.

No. C 11-02575 WHA

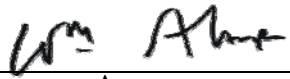
**ORDER RE JULY 17, 2013,  
DISCOVERY DISPUTE**

Having read both sides' letters, the Court rules as follows: The subpoena propounded by plaintiff to the law firm of Winston & Strawn will be deemed to be a subpoena to produce materials at the evidentiary hearing. Winston & Strawn should submit a proper privilege log at least **TWO CALENDAR DAYS** before the hearing. No documents need be produced in advance of the hearing inasmuch as discovery was not re-opened for purposes of the evidentiary hearing. After the Court hears evidence at the hearing or perhaps during the hearing itself, the Court will decide the extent to which the documents requested are necessary and the extent to which the latest requests are proper. It is premature to identify those now and the Court will do so as needed after hearing the testimony. Defense counsel and Winston & Strawn shall bring to the

1 hearing (and be ready to produce if so ordered) all documents that relate to the original requests  
2 at issue, the searches at issue, and the productions at issue.

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4 **IT IS SO ORDERED.**

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6 Dated: July 22, 2013.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE